

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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SEAFOODLICIOUS, INC., a)
Georgia Corporation; VINCENT)
TANG, an individual; and)
JAMES LEE, an individual,)

Plaintiffs,)

v.)

CASE NO. CV419-116

UNITED STATES OF AMERICA,)

Defendant.)

O R D E R

Before the Court is Plaintiffs' Motion for Preliminary Injunction. (Doc. 8.) On September 14, 2018, the Food and Nutrition Service ("FNS") withdrew Plaintiffs' authorization to participate as a retailer in the Supplemental Nutrition Assistance Program ("SNAP"). (Doc. 32 at 5.) FNS informed Plaintiffs that they may reapply for authorization as a SNAP retailer at any time. (Id.) Instead, Plaintiffs sought administrative review of FNS' decision to withdraw Plaintiffs' SNAP authorization. (Id. at 5.) After an administrative review, FNS affirmed the decision to withdraw Plaintiffs' SNAP authorization. (Id. at 6.) Subsequently, on May 23, 2019, Plaintiffs filed their complaint with this Court, requesting only that the Court "reverse the Department's determination and find that the [Plaintiffs] should have been reauthorized." (Doc. 1 at 6.)

On July 22, 2019, pursuant to 7 U.S.C. § 2023(a)(17), Plaintiffs filed their Motion for Preliminary Injunction requesting that the Court enjoin the Government from suspending or terminating the Plaintiffs' SNAP authorization. (Doc. 8.) Plaintiffs have requested a hearing on their Motion for Preliminary Injunction. (Doc. 29 at 2.) At the time Plaintiffs filed their motion, Plaintiffs had not reapplied for SNAP authorization. (Doc. 32 at 6-7.)

Plaintiffs have now reapplied for SNAP authorization. (Doc. 38.) On February 5, 2020, the Government filed a Notice of Status Update informing the Court that, on January 6, 2020, Plaintiffs filed a renewed application for SNAP authorization. (Id. at 1.) However, FNS determined that Plaintiffs' application was missing several documents, and Plaintiff provided the missing documents on January 29, 2020.¹ (Id.)


Pursuant to 7 C.F.R. § 278.1(a), "FNS shall approve or deny the application within 45 days of receipt of a completed application." Accordingly, if Plaintiffs' application was complete on January 29, FNS should approve or deny Plaintiffs' application

¹ The Court notes that the Government's Notice of Status Update does not confirm that Plaintiffs' January 29 submission was a complete application. (Doc. 38 at 2.) Accordingly, if the application was incomplete, the Government is **DIRECTED** to update the Court with the date of Plaintiffs' completed application. The Court reminds both parties that it is their obligation to update the Court on the status of this matter.

by March 14, 2020—that is, 45 days after Plaintiffs submitted the application. Moreover, if FNS approves Plaintiffs' application for SNAP authorization, Plaintiffs' Motion for Preliminary Injunction will become moot because SNAP reauthorization is the only relief requested by Plaintiffs. See Cook v. Randolph Cty., 573 F.3d 1143, 1156 n. 7 (11th Cir. 2009) (noting that matter becomes moot when relief requested has already been independently provided).

In the event that FNS denies Plaintiffs' application, the Court is required to hold a hearing on Plaintiffs' Motion for Preliminary Injunction. Accordingly, the Court has scheduled this hearing for **April 2, 2020 at 3:00 PM** in Savannah, Georgia. The parties will be required to file updated briefings no less than **ten (10) days** prior to the hearing. As a result, the Clerk of Court is **DIRECTED** to **ADMINISTRATIVELY TERMINATE** Plaintiffs' Motion for Preliminary Injunction (Doc. 8) until **April 2, 2020**.

SO ORDERED this 4th day of March 2020.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA